

# **EXHIBIT 28**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

PersonalWeb Technologies LLC, et al.

Plaintiff,

vs.

EMC Corporation and VMware , Inc.

Defendants.

Civil Action No. 6:11-cv-660 (LED)

JURY TRIAL DEMANDED

**PLAINTIFF PERSONALWEB'S SUPPLEMENTAL DISCLOSURE  
OF ASSERTED CLAIMS AND INFRINGEMENT CONTENTIONS  
EDTX PATENT RULE 3-1**

Plaintiff PersonalWeb Technologies, LLC, provide the following supplemental Patent Rule 3-1 Disclosure of Asserted Claims and Infringement Contentions as to Defendants EMC Corporation and VMware, Inc. (“Defendants”).

**I. EACH CLAIM OF EACH PATENT IN SUIT THAT IS ALLEGEDLY  
INFRINGEMENT BY DEFENDANTS**

PersonalWeb alleges that Defendants have infringed and are infringing at least the following claims (“Asserted Claims”) of the following patents:

<b>Patent</b>	<b>Claims Alleged Infringed Literally and/or Under the Doctrine of Equivalents</b>
U.S. Patent No. 5,978,791 ('791 patent)	1-4, 29-33, and 41
U.S. Patent No. 6,415,280 ('280 patent)	36 and 38
U.S. Patent No. 6,928,442 ('442 patent)	1, 2, 4, and 7
U.S. Patent No. 7,802,310 ('310 patent)	24, 32, 70, 81 and 86

U.S. Patent No. 7,945,539 ('539 patent)	10, 21 and 34							
U.S. Patent No. 7,945,544 ('544 patent)	1							
U.S. Patent No. 7,949,662 ('662 patent)	30							
U.S. Patent No. 8,001,096 ('096 patent)	1, 2, 81, 83							

## II. THE IDENTITY OF DEFENDANTS' ACCUSED INSTRUMENTALITIES

<b>EMC</b>								
	<b>791 patent</b>	<b>280 patent</b>	<b>442 patent</b>	<b>310 patent</b>	<b>539 patent</b>	<b>544 patent</b>	<b>662 patent</b>	<b>096 patent</b>
EMC Centera	1-4, 29-33, 41	36, 38	1, 2, 4, 7	24, 32, 70, 81, 86	10, 21, 34	1	30	1, 2, 81, 83
EMC Data Domain	1-3, 29, 33	36, 38	1, 2, 4, 7	24, 32, 81, 86				
EMC Avamar	1-4, 29-33, 41	36, 38	1, 2, 4, 7	24, 32, 81, 86	10, 21, 34	1	30	1, 2
EMC Atmos CAS	1-4, 29-33, 41	36, 38	1, 2, 4, 7	24, 32, 70, 81, 86	10, 21, 34	1	30	1, 2, 81, 83
EMC Isilon	1-3, 29, 33	36, 38	1, 2, 4, 7	24, 32, 81, 86				
<b>VMware</b>								
	<b>791 patent</b>	<b>280 patent</b>	<b>442 patent</b>	<b>310 patent</b>	<b>539 patent</b>	<b>544 patent</b>	<b>662 patent</b>	<b>096 patent</b>
vSphere	1-3, 29	36, 38	1, 2, 4, 7	24, 32, 81, 86				
Vmware Data Recovery	1-3, 29, 33	36, 38	1, 2, 4, 7	24, 32, 81, 86				
vSphere Storage Appliance	1-3, 29	36, 38	1, 2, 4, 7	24, 32, 81, 86				

vCloud	1-3, 29	36, 38	1, 2, 4, 7	24, 32, 81, 86				
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DATED: October 31, 2012

**McKOOL SMITH, P.C.**

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*/s/ Samuel E. Baxter* \_\_\_\_\_

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